

EXHIBIT A

STATE OF NEW YORK

3008--B

IN SENATE

January 22, 2025

A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to the Waterfront Commission Act (Part A); to amend part I of chapter 413 of the laws of 1999 relating to providing for mass transportation payments in relation to the amount of payments in the Central New York Regional Transportation District and adding Cortland County to such District (Part B); to amend chapter 368 of the laws of 2019 amending the vehicle and traffic law and state finance law relating to establishing a pre-licensing course internet program, in relation to extending the effectiveness thereof; and to amend the vehicle and traffic law, in relation to the pre-licensing course internet program (Part C); to amend the vehicle and traffic law, in relation to abandoned vehicles (Part D); intentionally omitted (Part E); intentionally omitted (Part F); to amend the vehicle and traffic law, in relation to requiring that all limited use motorcycles sold in the state of New York be registered (Part G); intentionally omitted (Part H); to amend part PP of chapter 54 of the laws of 2016, amending the public authorities law and the general municipal law relating to the New York transit authority and the metropolitan transportation authority, in relation to extending provisions of law relating to certain tax increment financing provisions; to amend the public authorities law, in relation to requiring the metropolitan transportation authority to publish certain information pertaining to capital project data for projects that are committed for construction on the capital program dashboard, to preparing a comparison of the metropolitan transportation corporation's performance and to maintaining a database of capital needs; and directing the metropolitan transportation corporation to publish a planned scheduling for any projects included in its capital program plan (Part I); to amend chapter 929 of the laws of 1986 amending the tax law and other laws relating to the metropolitan transportation authority, in relation to extending certain provisions thereof applicable to the resolution of labor disputes (Part J); to amend the

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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shows, by a preponderance of the evidence, that the violation was not intentional and resulted from a bona fide error made notwithstanding the maintenance of procedures reasonably adopted to avoid such error.

~~[8-]~~ 4. The following are exempt from the requirements of this article:

a. any service provided by a business or its affiliate where either the business or its affiliate is doing business pursuant to a franchise issued by a political subdivision of the state;

b. any entity, or subsidiary or affiliate thereof, regulated by the department of financial services;

c. security system alarm operators;

d. banks, bank holding companies, or the subsidiary or affiliate of either, or credit unions or other financial institutions, licensed under state or federal law; and

e. sellers and administrators of a service contract, as defined pursuant to section seven thousand nine hundred two of the insurance law.

§ 3. This act shall take effect on the sixtieth day after it shall have become a law.

PART X

Section 1. Section 349-a of the general business law is renumbered 349-h and a new section 349-a is added to read as follows:

§ 349-a. Pricing. 1. As used in this section, the following terms shall have the following meanings:

(a) "Algorithm" means a computational process that uses a set of rules to define a sequence of operations.

(b) "Clear and conspicuous disclosure" means disclosure in the same medium as, and provided on, at, or near and contemporaneous with every advertisement, display, image, offer or announcement of a price for which notice is required, using lettering and wording that is easily visible and understandable to the average consumer.

(c) "Consumer" means a natural person who is seeking or solicited to purchase, lease or receive a good or service for personal, family or household use.

(d) "Consumer data" means any data that identifies or could reasonably be linked, directly or indirectly, with a specific natural person or device, excluding location data.

(e) "Dynamic pricing" means pricing that fluctuates dependent on conditions.

(f) "Personalized algorithmic pricing" means dynamic pricing derived from or set by an algorithm that uses consumer data as defined in this section, which may vary among individual consumers or consumer populations, provided, however, that personalized algorithmic pricing shall not include reduction in price based on promotional offers, loyalty program benefits, or other temporary discounts for the retention of existing customers.

(g) "Person" means any natural person, firm, organization, partnership, association, corporation, or any other entity domiciled or doing business in New York state.

2. It shall constitute a deceptive act or practice in violation of section three hundred forty-nine of this article for any person to knowingly advertise, promote, label or publish a statement, display, image, offer or announcement of personalized algorithmic pricing using consumer data specific to a particular individual without a clear and conspicuous disclosure that states:

1 "THIS PRICE WAS SET BY AN ALGORITHM USING YOUR PERSONAL DATA".

2 § 2. Subdivision 3 of section 396 of the general business law is
3 renumbered subdivision 4 and a new subdivision 3 is added to read as
4 follows:

5 3. a. For purposes of this subdivision, "protected class data" means
6 information about an individual person or groups of people that direct-
7 ly, in combination, or by implication identifies a characteristic that
8 is legally protected from discrimination under the laws of this state or
9 under federal law, including but not limited to ethnicity, national
10 origin, age, disability, sex, sexual orientation, gender identity and
11 expression, pregnancy outcomes and reproductive health care.

12 b. No person, firm, partnership, association or corporation, or agent
13 or employee thereof, shall use protected class data in setting a price
14 for, offering, marketing, or selling any good or service if the use of
15 that data has the effect of withholding or denying a person, to whom the
16 protected class data pertains to, any of the accommodations, advantages,
17 utility, or privileges accorded to others who do not share the charac-
18 teristics of such protected class data.

19 c. Nothing in this subdivision shall apply to:

20 (i) any insurance policy offerings enumerated under section one thou-
21 sand one hundred thirteen of the insurance law, including policies
22 procured by a duly licensed excess line broker pursuant to section two
23 thousand one hundred eighteen of the insurance law;

24 (ii) An entity subject to the federal Fair Credit Reporting Act (15
25 U.S. Code § 1681) when processing information in compliance with such
26 act or its implementing;

27 (iii) An entity subject to the Gramm-Leach-Bliley Act (Public Law No.
28 106-102) processing information in compliance with such act or its
29 implementing regulations;

30 (iv) pricing associated with membership-based programs offering exclu-
31 sive benefits, services, or discounts related to customer affiliation
32 with an organization or group, provided that such program is not prima-
33 riarily engaged in the sale of goods or services to the general public at
34 retail; or

35 (v) pricing necessary for compliance with local, state or federal law.

36 § 3. Paragraph d of subdivision 4 of section 396 of the general busi-
37 ness law, as added by chapter 689 of the laws of 2022 and as renumbered
38 by section two of this act, is amended to read as follows:

39 d. In addition to any other remedies provided in this section, any
40 person aggrieved by a violation of subdivision three of this section may
41 file an action in accordance with section two hundred ninety-seven of
42 the executive law. Nothing in this section shall in any way limit rights
43 or remedies which are otherwise available under law to the attorney
44 general or any other person authorized to bring an action under this
45 section.

46 § 3-a. Section 396 of the general business law is amended by adding a
47 new subdivision 5 to read as follows:

48 5. A online retailer that also functions as a marketplace for the sale
49 of goods to consumers in this state, with total annual revenue exceeding
50 one billion dollars, may not alter the initially published price estab-
51 lished through dynamic pricing listed on any product more than once in a
52 single calendar day. Once price for a good is established, it must be
53 retained for the entirety of the calendar day regardless of location or
54 purchasing behavior of the consumer. Nothing in this subdivision shall
55 apply to auction-based listings, provided such listings are promoted as

1 such. For the purposes of this section, "dynamic pricing" shall have the
2 same meaning as section three hundred forty-nine-a of this chapter.
3 § 4. This act shall take effect on the sixtieth day after it shall
4 have become a law.

PART Y

6 Section 1. The banking law is amended by adding a new article 14-B to
7 read as follows:

ARTICLE 14-BBUY-NOW-PAY-LATER LENDERS

10 Section 735. Short title.

11 736. Definitions.

12 737. License.

13 738. Conditions precedent to issuing a license; procedure where
14 application is denied.

15 739. License provisions and posting.

16 740. Application for acquisition of control of buy-now-pay-later
17 lender by purchase of stock.

18 741. Grounds for revocation or suspension of license; procedure.

19 742. Superintendent authorized to examine.

20 743. Licensee's books and records; reports.

21 744. Acts prohibited.

22 745. Limitation on charges.

23 746. Consumer protections.

24 747. Authority of superintendent.

25 748. Penalties.

26 749. Severability.

27 § 735. Short title. This article shall be known and may be cited as
28 the "buy-now-pay-later act".

29 § 736. Definitions. As used in this article, the following terms shall
30 have the following meanings:

31 1. "Consumer" means an individual who is a resident of the state of
32 New York.

33 2. "Buy-now-pay-later loan" means closed-end credit provided to a
34 consumer in connection with such consumer's particular purchase of goods
35 and/or services, payable in four or fewer installments without interest,
36 other than a motor vehicle as defined under section one hundred twenty-
37 five of the vehicle and traffic law. A "buy-now-pay-later loan" does not
38 include credit where the creditor is the seller of such goods and/or
39 services, unless it is credit pursuant to an agreement whereby, at a
40 consumer's request, the creditor purchases a specific good and/or
41 service from a seller and resells such specific good and/or service to
42 such consumer on closed-end credit.

43 3. "Buy-now-pay-later lender" means a person who offers buy-now-pay-
44 later loans in this state. For purposes of the preceding sentence,
45 "offer" means offering to make a buy-now-pay-later loan by extending
46 credit directly to a consumer or operating a platform, software or
47 system with which a consumer interacts and the primary purpose of which
48 is to allow third parties to offer buy-now-pay-later loans, or both. A
49 person shall not be considered a buy-now-pay-later lender on the basis
50 of isolated, incidental or occasional transactions which otherwise meet
51 the definitions of this section.

52 4. "Exempt organization" means any banking organization or foreign
53 banking corporation licensed by the superintendent or the comptroller of
54 the currency to transact business in this state or originating buy-now-